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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,099	08/01/2003	Duane S. Taylor	60046.0048US01	3190
53377	7590	04/24/2006	EXAMINER	
HOPE BALDAUFF HARTMAN, LLC P.O. BOX 2825 ATLANTA, GA 30301			BROWN, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,099

Applicant(s)

TAYLOR, DUANE S.

Examiner

Michael J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nunn et al. (US PGPub 2003/0233535).

As to claim 1, Nunn et al. discloses a method for maintaining a boot order (see paragraph 0018, line 2) of one or more mass storage devices (Devices 150A-C, see Fig. 1) within a computer system (system 100, see Fig. 1), the method comprising determining prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would effect the boot order of the mass storage devices within the computer system(see paragraph 0023, lines 3-8), wherein the configuration change comprises removing one of the one or more mass storage devices from the computer system(see paragraph 0021, lines 10-14), and in response to determining that a configuration change was made that would effect the boot order, rearranging the boot order of the mass storage devices so that the mass storage devices are booted in the order used prior to the configuration change(see paragraph 0022), wherein rearranging

the boot order of the mass storage devices comprises removing an entry corresponding to the removed mass storage device from the boot order(see paragraph 0022, lines 3-7).

As to claim 3, Nunn et al. discloses the method wherein the configuration change further comprises adding a mass storage device to the computer system and wherein rearranging the boot order of the mass storage devices further comprises placing an entry corresponding to the added mass storage device at the end of the boot order (see paragraph 0022, lines 16-19).

As to claim 4, Nunn et al. discloses the method further comprising in response to determining that a configuration change was made that would effect the boot order storing a data structure (entry, see paragraph 0020, line 3) in a non volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) of the computer system prior to performing a boot of the computer, the data structure including a unique identifier for each mass storage device and the location of each mass storage device within the rearranged boot order(see paragraph 0020, lines 3-6).

As to claim 5, Nunn et al. discloses the method wherein rearranging the boot order of the mass storage devices comprises identifying a previous location in the boot order for each mass storage device in the computer system by locating a unique identifier in the previously stored data structure matching the mass storage device (see paragraph 0028), and rearranging the location in the current boot order for each mass storage device so that each device retains the same relative position in the boot order as the previous location(see paragraph 0028).

As to claim 6, Nunn et al. discloses a computer-readable medium (memory 130, see Fig. 1) having computer-executable instructions (BIOS 140, see Fig. 1) stored thereon, the instructions operative to provide the method stated in previous claims when executed by a computer (system 100, see Fig. 1).

As to claim 7, Nunn et al. discloses a computer-controlled apparatus (processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 8, Nunn et al. discloses a method for maintaining a boot order (see paragraph 0018, line 2) that defines the order in which a computer system (system 100, see Fig. 1) attempts to perform an initial program load from one or more mass storage devices (Devices 150A-C, see Fig. 1) within the computer system, the method comprising determining a status associated with at least one change bit data field to determine prior to attempting to perform the initial program load whether a configuration change to the computer system was made(see paragraph 0023, lines 3-8), and if the status associated with the at least one change bit data field indicates that a configuration change to the computer system was made(see paragraph 0022), then identifying each mass storage device currently in the system that was also installed at a previous boot of the system (see paragraph 0023, lines 3-8). Nunn also discloses determining the location of each mass storage device currently in the system in a boot order used during the previous boot by utilizing data stored at the previous boot (see paragraph 0023, lines 3-8), and arranging a current boot priority for each device currently in the system that was also installed at the previous boot so that the mass storage devices currently in the system are in the same order as they were during the

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previous boot (see paragraph 0022). Nunn further discloses identifying each device currently in the system that was not installed at the previous boot based on the data stored at the previous boot (see paragraph 0022, lines 1-3), and assigning a boot priority to each mass storage device currently in the system that was not installed at the previous boot at the end of the boot order (see paragraph 0022, lines 16-19).

As to claim 9, Nunn et al. discloses the method wherein the data stored at the previous boot comprises data that uniquely identifies each mass storage device and provides the boot priority of each mass storage device in the previous boot order (see paragraph 0028).

As to claim 10, Nunn et al. discloses the method wherein the data stored at the previous boot is stored in a non-volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) of the computer system after the current boot order has been determined (see paragraph 0020, lines 3-6).

As to claim 11, Nunn et al. discloses a computer-readable medium (memory 130, see Fig. 1) having computer-executable instructions (BIOS 140, see Fig. 1) stored thereon, the instructions operative to provide the method stated in previous claims when executed by a computer (system 100, see Fig. 1).

As to claim 12, Nunn et al. discloses a computer-controlled apparatus (processor 110, see Fig. 1) operative to perform the method stated in previous claims.

As to claim 13, Nunn et al. discloses a computer system (system 100, see Fig. 1) operative to attempt an initial program load from one or more mass storage devices (Devices 150A-C, see Fig. 1) according to a defined boot order (see paragraph 0018,

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line 2), the computer system comprising a central processing unit (processor 110, see Fig. 1), and the one or more mass storage devices. Nunn further discloses a non-volatile memory (non-volatile memory, see paragraph 0020 lines 2-3) storing a basic input/output system (BIOS 140, see Fig. 1)) executable on the central processing unit, the BIOS operative to provide a facility for specifying the boot order, to determine prior to attempting an initial program load of the computer system whether a configuration change to the computer system was made since a previous boot of the computer system that would effect the boot order (see paragraph 0023, lines 3-8), wherein the configuration change comprises removing one or more of the one or more mass storage devices from the computer system(see paragraph 0021, lines 10-14), and, in response to determining that a configuration change was made that would effect the boot order, to rearrange the boot order of the mass storage devices so that the mass storage devices are booted in the order used prior to the configuration change(see paragraph 0022), wherein the BIOS is operative to remove an entry corresponding to the removed mass storage device from the boot order to rearrange the boot order of the mass storage devices(see paragraph 0022, lines 3-7).

As to claim 14, Nunn et al. discloses the computer system wherein the BIOS is further operative to store data (entry, see paragraph 0020, line 3) in the non volatile memory, the data including a unique identifier for each mass storage device and the location of each mass storage device within the rearranged boot order (see paragraph 0020, lines 3-6).

As to claim 15, Nunn et al. discloses the computer system wherein the BIOS is operative to store the data in the non-volatile memory prior to a boot of the computer system (see paragraph 0020, lines 1-3 and paragraph 0021, lines 1-3).

As to claim 16, Nunn et al. discloses the computer system wherein the BIOS is further operative to identify a previous location in the boot order for each mass storage device in the computer system by locating a unique identifier in the previously stored data matching the mass storage device (see paragraph 0028), and rearrange the location in the current boot order for each mass storage device so that each device retains the same relative position in the boot order as the previous location(see paragraph 0028).

### ***Response to Arguments***

2. Applicant's arguments filed 3/6/2006 have been fully considered but they are not persuasive. Applicant argues that Nunn does not teach or suggest a method or computer system operative for maintaining a boot order that defines the order in which the computer system attempts to perform initial program load from one or more mass storage devices within the computer. Examiner disagrees as Nunn discloses a method and system(100) operative for maintaining a boot order(see paragraph 0018, line 2) that defines the order in which the system(100) attempts to perform a "boot event" from Devices(150a-c) within the system(see paragraph 0018).



**Conclusion**

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Friday from 7:00am to 3:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications are available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

  
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